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No. 01-1366

Supreme Court U.S.
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IN THE

Supreme Court of the United States

PARDEE COAL COMPANY, *et al.*,
Petitioners,

v.

MICHAEL H. HOLLAND, *et al.*, as Trustees of the United Mine Workers of America Combined Benefit Fund

On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Fourth Circuit

MEMORANDUM FOR RESPONDENT TRUSTEES OF THE UMWA COMBINED BENEFIT FUND IN RESPONSE TO PETITION FOR A WRIT OF CERTIORARI

JOHN R. MOONEY
ELIZABETH A. SAINDON
MOONEY, GREEN, BAKER & SAINDON, P.C.
1920 L Street, N.W.
Suite 400
Washington, D.C. 20036
(202) 783-0010

PETER BUSCEMI
Counsel of Record
ANNE BRAFFORD
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20036
(202) 739-5190

DAVID W. ALLEN
JONATHAN SOKOLOW
OFFICE OF THE GENERAL COUNSEL
UMWA HEALTH & RETIREMENT FUNDS
2121 K Street, N.W.
Washington, D.C. 20037
(202) 521-2220

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QUESTION PRESENTED

In the Coal Industry Retiree Health Benefit Act of 1992, 26 U.S.C. §§ 9701–9722 and 30 U.S.C. § 1232(h), Congress directed the Social Security Administration to assign each of the retired coal miners and their dependents who are beneficiaries of the United Mine Workers of America Combined Benefit Fund to a specific coal operator or related company in accordance with the statutory criteria set forth in Section 9706. The Act provided that the beneficiary assignments "shall" be made before October 1, 1993. SSA completed most, but not all, of the initial assignments by that date.

The question presented is whether SSA retained authority to make initial assignments of Combined Fund beneficiaries after September 30, 1993.

STATEMENT UNDER RULE 29.6

Under this Court's Rule 29.6, the Trustees of the UMWA Combined Benefit Fund state that the Combined Fund is not a subsidiary or affiliate of any publicly-owned company.

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The question presented in this case is identical to that presented in *Barnhart v. Peabody Coal Co.*, No. 01-705, and *Holland v. Bellaire Corporation*, No. 01-715. Respondents in this case, the Trustees of the United Mine Workers of America Combined Benefit Fund, are petitioners in *Bellaire*. On January 22, 2002, this Court granted certiorari in *Peabody* and *Bellaire* and consolidated the cases for briefing and argument. The cases are tentatively scheduled to be heard in October 2002. In these circumstances, the Trustees agree that the petition in the present case should be held pending the outcome in *Peabody* and *Bellaire*. The petition should then be disposed of as appropriate in light of the decision in those cases.

Respectfully submitted,

John R. Mooney
Elizabeth A. Saindon
MOONEY, GREEN, BAKER
& SAINDON, P.C.
1920 L Street, N.W., Suite 400
Washington, D.C. 20036
(202) 783-0010

David W. Allen
Jonathan Sokolow
Office of the General Counsel
UMWA HEALTH &
RETIREMENT FUNDS
2121 K Street, N.W.
Washington, D.C. 20037
(202) 521-2220

Peter Buscemi
Counsel of Record
Anne Brafford
MORGAN, LEWIS &
BOCKIUS LLP
1111 Pennsylvania Ave., N.W.
Washington, D.C. 20004
(202) 739-3000

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